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Via Facsimile

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2605 Burnet Avenue
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Dear Michael:

I write in response to your July 20, 2004 letter to Jamie Greer about the e-mail I sent you on July 19, 2004 regarding the Gary Meier deposition transcript. In the future, if you have an issue with correspondence from me, raise the issue with me.

Let me make my July 19 e-mail to you very clear. Footnote 1 in our clients' Motion for Leave to File Supplemental Authority in Support of Class Certification was inserted for one simple reason -- we believed that the transcript was preliminary in the sense that your client, Mr. Meier, might actually want to read it and complete an errata sheet. We had and have no intention of filing additional supplemental material related to Mr. Meier's testimony, unless, of course, he were to change (through the errata sheet procedure or through an inconsistent affidavit) testimony on which we relied in the brief. *There is no conspiracy.* I now repeat the statement made in the e-mail I sent you yesterday: if Mr. Meier has signed the transcript, or if you represent to waive signature on his behalf, we will file the transcript immediately.

As for the broader issue of general supplementation of information relating to class certification, we always reserve the right to supplement the record with newly obtained relevant information. *See Prado-Steiman v. Bush*, 221 F.3d 1266, 1273-74 (11th Cir. 2000); *In re Quintus Secs. Litig.*, 148 F. Supp.2d 967, 972 (N.D. Cal. 2001); Fed.R.Civ.P. 23(c)(1)(C).

Very truly yours,

KEATING, MUETHING & KLEKAMP, P.L.L.

BY: 
Rachael A. Rowe

cc: John R. Wirthlin
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